

MBRC NEWS

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Sleep Labs Use of EMT's

There have been several questions regarding the use of EMT's, polysomnographers, or other technicians within sleep labs. It has been expressed that there is a "gray" area within the rules/laws on what these technicians are allowed to do. At the September 11, 1998 meeting with the Board this concern was addressed. At this meeting it was decided that any person or facility that may have a question regarding the usage of its employees in sleep labs should be referred to Section 334.900 RSMo, which reads as follows:

So long as the person involved does not represent or hold himself or herself out as a respiratory care practitioner as defined in subdivision (12) of subsection 2 of section 334.800, nothing in sections 334.800 to 334.930 is intended to limit, preclude or otherwise interfere with:

- (7) The practice of respiratory care by:
 - (a) A licensed health care provider performing a respiratory care procedure that is not within the scope of practice of the licensee;
 - (b) A licensed health care provider performing a respiratory care procedure that is not within the scope of practice of the licensee, so long as the licensee has received special training deemed sufficient by the board for respiratory care;
 - (c) A health care provider who is not licensed by is certified or registered, so long as the provider has received special training or passed an examination approved by the board for respiratory care;

This statute can be found on page 7 of the Missouri Board for Respiratory Care Statutes and Rules & Regulations.



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Missouri Department of Economic Development
Missouri Division of Professional Registration

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FROM THE DIVISION DIRECTOR



The Division of Professional Registration recently hired Tom Reichard as Director of Budget and Legislation. Tom is a lifelong resident of Jefferson City and brings a wealth of business and management experience to the Division having owned and operated an office supply company for over twenty years. He and his wife, Cindy, have four children; Alan-27, Lisa-25, Katie-23, and Mark-16. Besides his children, he enjoys golf, fishing and tinkering with old cars.



In his new role, Tom will serve as the liaison for budget and legislative items between the professional boards, committees and commissions within the Division, the Department of Economic Development and the Missouri General Assembly. He has already begun working with each of the boards, committees and commissions to develop and prepare both legislation and budget items for the upcoming 2006 session.

We are excited to have Tom on board and welcome him to the Division!

Sincerely,

A handwritten signature in cursive script that reads 'Alison Craighead'.

Alison Craighead

DISCIPLINED LICENSES

Donna J. Elliott, #2005019857, El Dorado Springs, MO - June 28, 2005. Restricted license issued on probation for two (2) years until June 27, 2007. Practiced Respiratory Care without proper licensure from the Board. Section 334.920.1 and 334.920.2 (5), (6), and (12), RSMo 2000.

Robert M. Hillman, #102041, St. Louis, MO - July 24, 2002. License placed on probation for two (2) years until July 23, 2004. Licensee unlawfully possessed and consumed cocaine. Section 334.920.2 (1), (12), (14), and (15), RSMo 2000.

Vance A. Jackson, #1999137315, Bolivar, MO - September 23, 2002. Suspension for thirty (30) days from September 23, 2002, followed by probation for three (3) years. Licensee reported to work while under the influence of alcohol. Section 334.920.2 (1), (5), (6), (12), and (14), RSMo 2000.

Robert M. Keesee, #102129, Scott City, MO - April 4, 2001. Suspension for two (2) years from April 4, 2001, followed by probation for five (5) years. Licensee pled guilty to two counts of statutory sodomy in the 2nd degree. Section 334.920.2 (2), RSMo Supp. 1999.

Eddie J. Lipscomb, #2001022580, West Plains, MO - August 13, 2001. Restricted license issued on probation for two (2) years from August 13, 2001. Licensee pled guilty to driving with an excessive blood alcohol content in 1992 and 1994. In 1997 licensee pled guilty to assault. In 2000 licensee pled guilty to Class A misdemeanor assault. Section 334.920.1 and 2(2) and (14), RSMo Supp. 1999.

Karil A. Neff, #2001022581, St. Joseph, MO - August 31, 2001. Restricted license issued on probation until November 30, 2005. Licensee pled guilty to fraudulently attempting to obtain a controlled substance. Section 334.920.1 and 2(2) and (14), RSMo Supp. 1999.

Phyllis A. Schulte, #2001001704, Crestwood, MO - January 24, 2001. Restricted license issued on probation for three (3) years from January 24, 2001. Licensee practiced Respiratory Care without proper licensure from the Board. Section 334.920.1 and 2(5), (6), (12) and (14), RSMo Supp. 1999.

CONTINUING EDUCATION AUDIT RESULTS

As most are aware, in November 2004, 330 licensees were randomly selected for the continuing education audit. Of those 330 only 20 (approximately 6%) did not respond as requested by the Board office. Of the 310 licensees that did respond, 266 (approximately 86%) submitted documentation that was accepted by the Board. At the February Board Meeting the decision was made to meet with the remaining 64 licensees that either did not respond to the Board's request for the audit, or did not have the proper documentation that the Board required. The following result to the meeting was:

- 4 licensees failed to appear
- 13 licensees brought documentation and were found compliant
- 47 licensees were found to have taken insufficient programs or have insufficient certificates; and/or have insufficient hours.

The 51 licensees that were found to have problems regarding the audit were either referred to the Attorney General's office for formal discipline, or were given a Letter of Concern outlining the necessary steps that they must take in order to avoid discipline.

ACRONYMS

MBRC and MSRC are acronyms that differ by only one initial yet are entirely different when it comes to what the letters stand for. Many times, through phone calls taken at the Board office and Board members and staff conversing with licensees at regional and state meetings, a state of confusion exists over what the two organizations do and what their missions are.

The Missouri Society of Respiratory Care (MSRC) is a private sector organization that was created and supported by therapists and others as an association that supports and advocates positions for its active members. The MSRC is active in providing a number of member services that can be attractive to the practicing therapist. Services include, but are not limited to, the provision of educational programs, support of regional conferences and meetings, lobby the state assembly on behalf of respiratory therapy interests, represent members at state agency meetings and provide support through publications and other resources for the individual member. In essence, the MSRC is an association that represents and is an advocate for the respiratory therapist in which membership is voluntary.

The Missouri Board of Respiratory Care (MBRC) is a public sector or government agency that was created by the state legislature in order to issue licenses to qualified applicants to practice respiratory care, enforce minimum standards of practice through the promulgation of regulations, investigate complaints and pursue disciplinary action on licenses that, in the opinion of the Board, have violated the provisions of the practice act. As a government agency, the Board works to provide services to licensees within a budget that must be approved by the legislature. Its core mission is to represent the consumer when it comes to the appropriate and legal provision of respiratory care services. The Board is made up of seven members. Four of the members must be respiratory therapists. A public member, hospital administrator and a physician comprise the rest of the Board.

The MBRC is a government watchdog over licensed professionals while the MSRC is an association of licensed professionals that represent the profession.



CONTINUING EDUCATION PROGRAM APPROVAL

If you look in the Rules and Regulations that are given to each licensee at the time of initial licensure, section 4 CSR 255-4.010 on page 18-19 can give you more specific information in regard to the requirements that pertain to continuing education. First, as most therapists that have worked in the State of Missouri probably already know, as a condition for renewal of a license, all respiratory care practitioners are required to complete twenty-four hours of approved continuing education. Many questions have been asked in regard to this such as: what is approved? How are courses approved? Why are some approved and some are not? Programs approved by the American Association for Respiratory Care (AARC) and its state affiliates are considered automatically approved activities for completion of the continuing education hours. Courses approved by the American Association for Respiratory Care (AARC) can be found on their website at <http://aarc.org/> if you are a member of their organization, or you can contact them by phone at 972-243-2272.

To determine whether or not a course has been approved by the Missouri Board for Respiratory care, a link has been provided on the Board's website to display all courses that have been approved as well as the approval number. The web address is <http://pr.mo.gov/respiratorycare.asp> and this information can be found on the CE Courses Approved link. You may also contact the sponsoring organization that is providing the course to determine if it has been approved as well. In order to answer how courses are approved an explanation of the process from the time of application is as follows: If a group or individual wants to sponsor a continuing education program relating to respiratory care that is not approved by the AARC, a request shall be submitted to the board's executive director no fewer than ten (10) business days prior to the offering of the continuing education program. Once all information pertaining to the request has been received in the board office, the board shall review the request and then notify the sponsor whether approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented. Requests for approval of continuing education shall be submitted on a form provided by the board and shall include:

1. The type of educational activity;
2. The subject matter of the activity with objectives and goals;
3. The number of continuing hours offered;
4. The names and qualifications of instructors; and
5. The location, date and time of the activity.

Applications can be downloaded from the website or mailed from our office upon request. The application in itself is self-explanatory. All parts of the application are important and

must be filled out entirely in order to be accepted. If information on the application is left blank, the application may not be considered for board review. Once an application for approval has been granted by the board, re-approval shall not be required for each subsequent presentation of the educational activity so long as the educational activity has not changed. If any portion of the activity has changed, reapplication must be made.

If a course is denied or is accredited for less hours than were requested, the applicant may file an appeal, provided that the application was originally received sixty (60) days prior to the date of the program. The appeal must be in written form and must provide detailed justification to support the applicant's appeal. The chairperson for the board will review the appeal and all accompanying documentation. If the chairperson concurs with the original decision, the appeal is considered complete and the original decision will be upheld. If there is a difference between the members decision, the course will be reviewed by the full board at the next scheduled meeting. Please be aware that courses received less than sixty days prior to the program date will not be eligible for appeal.

The information that has been given is general information about the continuing education approval process. This information can be found in the law book. Continuing education hours shall not be awarded for regular work activities, administrative staff meetings, case staffing or reporting, membership in or holding office in, or participation on boards or committees, business meeting of professional organizations, or training specifically related to policies and procedures of an agency. Exceptions to this rule are in-service training programs approved by the board. Basically continuing education will not be granted for time spent on the job. Also, if you are a member of a board, any meeting in which you attend will not be accepted as continuing education. In-service training, which can be defined as courses that are given by the Respiratory Care department within a hospital, etc. that are approved by the AARC (or its state affiliates) or the Board, are also not allowed as continuing education for purposes of license renewal.

When giving instructor information, make sure that the credentials are shown and at least a one page curriculum vitae on the instructor is included. You must include one for each instructor if there is more than one for the program. Also, make sure that you provide at least one objective for the program. This is a statement of how the program directly relates to the practice of respiratory care. A one page syllabus or outline of the material to be covered in the program must be attached to the application. It is important to give as much information regarding the program as possible in order for the person reviewing the documentation to be able to determine how the course relates to respiratory care.

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